

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL 1597,
and RANDY SCHWEITZER,**

Plaintiffs,

vs.

CITY OF BROKEN BOW, NEBRASKA,

Defendant.

7:17CV5009

**FOURTH AMENDED
ORDER SETTING
FINAL SCHEDULE FOR
PROGRESSION OF CASE**

This matter comes before the Court on the Text Email Motion to Extend Progression Deadlines (Filing No. 37). After review of the stipulation, the Court finds good cause exists to grant the requested extensions. Accordingly,

IT IS ORDERED: The Motion to Extend Progression Deadlines (Filing No. 37) is granted, and the deadlines in the Third Amended Order Setting Final Schedule for Progression of Case ([Filing No. 36](#)) are amended as follows:

- 1) The jury trial of this case remains set to commence before John M. Gerrard, Chief United States District Judge, in North Platte, Nebraska, at **9:00 a.m. on October 21, 2019**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and other civil cases that may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference remains scheduled before the undersigned magistrate judge on **October 7, 2019**, at **11:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m. on September 30, 2019**.
- 3) The deposition deadline is **July 3, 2019**.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is **July 22, 2019**.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **July 31, 2019**.

- 6) Motions in limine shall be filed **seven (7)** days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 30th day of May, 2019.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge